

Last Revised 8/1/15

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

IN RE:

Ortiz, Wilson

Debtor(s)

Case No. 16-15874 JKS

Judge: Sherwood

Chapter 13

CHAPTER 13 PLAN AND MOTIONS

☐ Original ☒ Modified/Notice Required ☒ Discharge Sought
☐ Motions Included ☐ Modified/No Notice Required ☐ No Discharge Sought

Date: **August 18, 2016**

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

- a. The debtor shall pay \$ 250.00 per month to the Chapter 13 Trustee, starting on April 1, 2016 for approximately 36 months.
- b. The Debtor shall make plan payments to the Trustee from the following sources:
☒ Future Earnings
☐ Other sources of funding (describe source, amount and date when funds are available):
- c. Use of real property to satisfy plan obligations:
☐ Sale of real property
Description:
Proposed date for completion: _____
☐ Refinance of real property
Description:
☐ Loan modification with respect to mortgage encumbering property
Description:
Proposed date for completion: _____
- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ None to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ 2,505.00 to be paid directly by the debtor(s) outside the Plan, pre-confirmation to America's Servicing Company, servicer for Deutsche Bank, NA, as Trustee (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
None		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Deutsche Bank, National	First Mortgage 94 Howe Ave, Passaic, NJ	360,297.92	0	0	2505.

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
None							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Deutsche Bank, National	First Mortgage	145,000.00	215,297.00

	94 Howe Ave, Passaic, NJ		

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:
None

e. Secured Claims to Be Paid in Full Through the Plan

Creditor	Collateral	Total Amount to be Paid through the Plan
None		

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

___ Not less than \$ _____ to be distributed *pro rata*
 ___ Not less than _____ percent
☒ *Pro Rata* distribution from any remaining funds

b. Separately Classified Unsecured Claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
None			

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
None		

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
None							

b. Motion to Void Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
None		

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
None			

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Sections 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims
- 3) General Unsecured Claims

d. Post-petition claims The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this plan modifies a plan previously filed in this case, complete the information below:

Date of Plan being modified: April 26, 2016

Explain below why the Plan is being modified.	Explain below how the Plan is being modified.
To surrender debtor's home	See 4(c)

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: August 18, 2016

/s/Ronald I. LeVine
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: August 18, 2016

/s/ Wilson Ortiz 
Debtor

Joint Debtor

Certificate of Notice Page 6 of 7
 United States Bankruptcy Court
 District of New Jersey

In re:
 Wilson Ortiz
 Debtor

Case No. 16-15874-JKS
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 35

Date Rcvd: Sep 19, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 21, 2016.

db
 cr
 516087122 +Wilson Ortiz, 94 Howe Avenue, Apt 2, Passaic, NJ 07055-4012
 516086423 +DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE F, Phelan Hallinan & Schmieg, PC,
 400 Fellowship Road, Suite 100, Mt. Laurel, NJ 08054-3437
 516283837 +AT&T Mobility, c/o EOS CCA, 700 Longwater Dr., Norwell, MA 02061-1624
 516168832 +Americas Servicing Company, POB 14591, Des Moines, IA 50306-3591
 Anson Street, LLC, POB 10826, Greenville, SC 29603-0826
 Anson Street, LLC, c/o Shellpoint Mortgage Servicing, PO Box 10826,
 Greenville, SC 29603-0826
 516087141 +Black Stone Realty Holdings LLC, 41-51 Wilson Ave., Suite C2A, Newark, NJ 07105-3297
 516319062 DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE F, Default Document Processing, N9286-01Y,
 1000 Blue Gentian Road, Eagan, MN 55121-7700
 516086424 +Deutsche Bank National, Attn: Phelan, Hallinan, Diamond & P.C., 400 Fellowship Road #100,
 Mount Laurel, NJ 08054-3437
 516087125 +Dish Network, c/o Convergent Outsourcing Inc., P.O. Box 9004, Renton, WA 98057-9004
 516087126 Express, c/o Comenity, P.O. Box 659728, San Antonio, TX 78265-9728
 516087127 +Ginny's, P.O. Box 2825, Monroe, WI 53566-8025
 516162965 +HSBC Bank USA, 1800 Tysons Blvd., Suite 50, McLean, VA 22102-4267
 516087128 +LVNV Funding LLC, c/o J.C. Christensen & Associates, P.O. Box 519,
 Sauk Rapids, MN 56379-0519
 516087129 Maseys, P.O. Box 2822, Monroe, WI 53566-8022
 516087132 Optimum, c/o Sunrise Credit Services Inc., P.O. Box 9100, Farmingdale, NY 11735-9100
 516162964 +PSE&G, POB 14444, New Brunswick, NJ 08906-4444
 516162962 +Passaic County Board of Taxation, 435 Hamburg Turnpike, Wayne, NJ 07470-2067
 516086425 +Phelan Hallinan Diamond & Jones, P.C., 400 Fellowship Road, Suite 100,
 Mt. Laurel, NJ 08054-3437
 516087133 Pier I Imports, c/o Comenity, P.O. Box 659617, San Antonio, TX 78265-9617
 516087134 Progressive Inc., c/o AFNI Inc., P.O. Box 3068, Bloomington, IL 61702-3068
 516087136 Synchrony Bank, c/o Central Credit Services LLC, 20 Corporate Hills Dr.,
 Saint Charles, MO 63301-3749
 516087137 +Synchrony Bank (GAP), P.O. Box 105972, Atlanta, GA 30348-5972
 516087138 +The Progressive Corporation, 6300 Wilson Mills Rd., Mayfield Village, OH 44143-2182
 516087140 US Asset Management Inc., c/o EOS CCA, P.O. Box 981008, Boston, MA 02298-1008

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Sep 19 2016 23:14:15 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Sep 19 2016 23:14:07 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 516087123 +E-mail/Text: bkcy@creditmgt.com Sep 19 2016 23:14:02 Commerce Energy,
 c/o Credit Management Control, P.O. Box 1654, Green Bay, WI 54305-1654
 516087124 E-mail/Text: creditonebknotifications@resurgent.com Sep 19 2016 23:13:25 Credit One Bank,
 P.O. Box 60500, City of Industry, CA 91716-0500
 516087130 +E-mail/Text: bankruptcydpt@mcmcg.com Sep 19 2016 23:14:06 Midland Funding LLC,
 8875 Aero Dr., Suite 200, San Diego, CA 92123-2255
 516087131 +E-mail/PDF: bankruptcy@ncfsi.com Sep 19 2016 23:21:08 New Century Financial Services,
 110 So. Jefferson Rd., Suite 104, Whippany, NJ 07981-1038
 516122177 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Sep 19 2016 23:21:54
 Portfolio Recovery Associates, LLC, c/o General Motors, POB 41067, Norfolk VA 23541
 516162963 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Sep 19 2016 23:21:12
 Portfolio Recovery Associates, 120 Corporate Blvd, Suite 100, Norfolk, VA 23502-4962
 516087135 E-mail/Text: appebnmailbox@sprint.com Sep 19 2016 23:14:04 Sprint, 6200 Sprint Pkwy.,
 Overland Park, KS 66251
 516087139 E-mail/PDF: pa_dc_claims@navient.com Sep 19 2016 23:21:52 U.S. Dept. of Education,
 c/o Navient, P.O. Box 9635, Wilkes Barre, PA 18773-9635

TOTAL: 10

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0312-2

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 35

Date Rcvd: Sep 19, 2016

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 21, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 15, 2016 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Anson Street LLC dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
John Philip Schneider on behalf of Creditor DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE
FOR HSI ASSET SECURITIZATION CORPORATION TRUST 2006-HE2, MORTGAGE PASS-THROUGH CERTIFICATES,
SERIES 2006-HE2 nj.bkecf@fedphe.com
Marie-Ann Greenberg magecf@magtrustee.com
Robert Wachtel on behalf of Debtor Wilson Ortiz rwachtel@ronlevinelaw.com
Ronald I. LeVine on behalf of Debtor Wilson Ortiz ronlevinelawfirm@gmail.com

TOTAL: 5